

COUNCIL

15 July 2009

EXTRACTS FROM MINUTES OF CABINET (8 July 2009)

REPORT OF HEAD OF DEMOCRATIC SERVICES

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RECENT REFERENCES:

None

EXECUTIVE SUMMARY:

Appendix A to this report sets out minute extracts relating to issues for the consideration of Council.

RECOMMENDATION:

That Council considers the matters set out in the minute extracts.

MINUTE EXTRACTS FROM CABINET
(8 July 2009)

1. **DISPOSAL OF HOUSING REVENUE ACCOUNT (HRA) LAND AT WILLIS WAYE, KINGS WORTHY (LESS EXEMPT APPENDIX)**
(Report [CAB1856](#) refers)

In response to questions, the Head of Strategic Housing confirmed that the Council would not transfer ownership of any land until the consideration had been received from the Registered Social Landlord (RSL).

At the invitation of the Chairman, Mr A Rickman (TACT) addressed Cabinet and highlighted the comments made by TACT at Paragraph 4 of the Report. He also mentioned the recent announcements by the Government which appeared to suggest a change in the management of Council Housing Revenue Accounts, which could enable greater flexibility for local authorities in providing their own affordable housing stock.

The Chairman thanked Mr Rickman for his comments and assured him that the Government's proposals would be given careful analysis.

During discussion, some Members expressed concern about the proposal to transfer a strip of land to the RSL, which would not be used for affordable housing. Members believed it would be preferable for the Council to retain ownership of this strip of land to retain an element of control in the area. The Head of Strategic Housing explained that this strip was currently an area of scrubland and confirmed that it had not been the subject of previous planning applications. A section to the north-east of this strip would be required for alternative access to the development, however the majority of this land would remain as undeveloped 'conservation' land, as set out in Paragraph 3.6 of the Report. The Council proposed to transfer this strip of land to enable responsibility for maintenance of this land to be transferred to the RSL. He suggested that restrictions as to its future use could be imposed by covenants or Section 106 agreement. No additional representations had been received in response to the statutory advertisement.

Following further discussion, Cabinet agreed to defer consideration of this item to later in the meeting to enable more detailed site plans to be circulated. The meeting was adjourned for 15 minutes to enable this to occur.

Cabinet considered the detailed plans of the proposed development site, which included an outline of the strip of land in question, which was directly behind properties 31 to 36 Willis Way. To address Members' concerns regarding the benefits of the Council retaining maximum control over this section of land, it was proposed that the option of leasing a section of this strip of land (up to the proposed new access road) to the RSL be pursued. The lease should be for a period of up to 99 years and for a peppercorn rent, with covenants requiring the RSL to undertake maintenance. However, the overall financial consideration to the Council should not be reduced. In addition, Cabinet stressed the importance of not delaying the proposals and welcomed the overall intention to provide affordable housing.

The Head of Estates confirmed that any transfer would include terms restricting the use of the dwellings to affordable housing (with the exception of the one private ownership dwelling proposed to be located on the site). Restrictions would also be imposed in the transfer and lease to prevent the use of the land as access to any further development of third party land not envisaged by the current transaction.

Cabinet agreed to grant authority to the Head of Estates, in consultation with the Leader, to agree revised terms with the RSL, as outlined above.

Cabinet agreed to the following for the reasons set out above and outlined in the Report.

RECOMMENDED

THAT SUBJECT TO THE MATTER NOT BEING CALLED IN BY PRINCIPAL SCRUTINY COMMITTEE, UP TO £150,000 OF THE CAPITAL RECEIPT DETAILED IN THE EXEMPT APPENDIX TO REPORT CAB1856 BE USED TO SUPPORT THE SUPPLEMENTARY HOUSING REPAIRS PROGRAMME ALREADY APPROVED (CAB1820 DATED 18 MARCH 2009 REFERS) AND INCLUDED IN THE COUNCIL'S CAPITAL PROGRAMME (CAB1775 DATED 14 JANUARY 2009 REFERS), BUT WHICH IS SUBJECT TO RECEIPTS GENERATED FROM ASSET SALES AND THAT ANY ADDITIONAL AMOUNT ACHIEVED THROUGH CLAWBACK ARRANGEMENTS BE USED TO SUPPORT THE AFFORDABLE HOUSING PROGRAMME.

RESOLVED:

That, subject to the matter not being called in by Principal Scrutiny Committee:

1. The disposal of the land at Willis Waye, Kings Worthy, as outlined on the plan attached as Appendix 1 to the Report, to a Registered Social Landlord, be approved, subject to:
 - (a) terms and conditions to be agreed by the Head of Estates, in consultation with the Leader, based on the matters set out in the Report and amended above, but if it is not possible for the scheme to proceed on the basis of a lease for the part of the land to be managed for 'conservation' purposes, then the matter be brought back to Cabinet;
 - (b) compliance with the requirements of General Consent A (Disposal of Land to Registered Social Landlords) 2005 under Section 25 of the Local Government Act 1988;
 - (c) the obtaining of a special consent from the Secretary of State if the terms of the disposal should fall outside of the ambit of the General Consents under Section 25 of the Local Government Act 1988;
 - (d) that the representations received in relation to the disposal of open space under Section 123 of the Local Government Act 1972 be noted and the amended proposals for the future management of the 'conservation' part of the site be as set out above;
 - (e) a planning consent being granted on the site;
 - (f) nomination rights to each affordable home being granted to the Council.
2. The Head of Landlord Services be authorised to take appropriate action to terminate any tenancies of garages affected by the scheme.
3. Approval be given for the restrictive covenants on any of the properties in Willis Waye or adjacent to the development site, to be removed as necessary, to enable the development of the site for the purpose outlined in the Report.
4. The Head of Strategic Housing, in consultation with the Portfolio Holder for Housing, be authorised to agree any minor amendments to the project that may be required to ensure its viability and obtain a planning consent.

2. **GUIDANCE FOR THE SCRUTINY OF CRIME AND DISORDER PARTNERSHIPS**

(Report [PS372](#) refers)

Cabinet agreed to the following for the reasons outlined in the Report.

RECOMMENDED:

THAT THE FOLLOWING CHANGE TO THE TERMS OF REFERENCE OF THE SOCIAL ISSUES SCRUTINY PANEL (PART 4 – PAGE 56 OF THE CONSTITUTION) BE AGREED:

‘TO ACT AS THE CRIME AND DISORDER COMMITTEE FOR THE PURPOSES OF SECTION 19 OF THE POLICE AND JUSTICE ACT 2006 AND ASSOCIATED REGULATIONS AND ACCORDINGLY:-

- A) TO REVIEW OR SCRUTINISE THE DECISIONS MADE, OR OTHER ACTION TAKEN, IN CONNECTION WITH THE DISCHARGE BY THE RESPONSIBLE AUTHORITIES OF THEIR CRIME AND DISORDER FUNCTIONS; AND**
- B) TO MAKE REPORTS OR RECOMMENDATIONS TO THE COUNCIL WITH RESPECT TO THE DISCHARGE OF THOSE FUNCTIONS.’**